

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
ROBE AND ALLIED PRODUCTS
INDUSTRY

AS APPROVED ON DECEMBER 6, 1934



UNITED STATES
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Approved Code No. 211—Amendment No. 2

AMENDMENT TO CODE OF FAIR COMPETITION
FOR THE
ROBE AND ALLIED PRODUCTS INDUSTRY

As Approved on December 6, 1934

ORDER

AMENDMENT OF CODE OF FAIR COMPETITION FOR THE ROBE AND ALLIED
PRODUCTS INDUSTRY

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of certain amendments to the Code of Fair Competition for the Robe and Allied Products Industry, and hearings having been duly held thereon and the enclosed report on said amendments containing findings with respect thereto having been made and directed to the President:

WHEREAS, Article VI, Section 5 of the Approved Code of Fair Competition for the Robe and Allied Products Industry is inconsistent with policy. For this reason this Section of the Code is hereby stayed until further order of the National Industrial Recovery Board.

NOW, THEREFORE, the National Industrial Recovery Board, on behalf of the President of the United States, pursuant to authority vested in it by Executive Orders of the President, including executive Order Number 6859, dated September 27, 1934, and otherwise; does hereby refer to said annexed report and does find the said amendments and the Code as constituted after being amended, comply in all respects with the pertinent provisions and will tend to promote the policies and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code be and it is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN,
Administrative Officer.

Approval recommended:

PRENTISS L. COONLEY,
Acting Division Administrator.

WASHINGTON, D. C.,
December 6, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: A Public Hearing was held September 20, 1934 on the proposed amendments to the Code of Fair Competition for the Robe and Allied Products Industry.

The amendments to the Code contain provisions for: Classification of the manufacturing employees, maintaining of time records, discounts and Mandatory Assessment for the maintenance of the Code Authority.

Article VI, Section 5 of the Approved Code of Fair Competition for the Robe and Allied Products Industry, approved October 21, 1933, is inconsistent with policy in connection with the proposed amendments. For this reason this Section of the Code has been stayed.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

The National Industrial Recovery Board finds that:

(a) The amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For the reasons contained herein said amendments are approved.
For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

DECEMBER 6, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE ROBE AND ALLIED PRODUCTS INDUSTRY

The Code of Fair Competition for the Robe and Allied Products Industry is amended by the following:

A section to be known as Section 8 of Article III shall read as follows:

Section 8. The provisions of this Article shall apply to any member of the industry performing manufacturing functions usually performed by an employee, even though said person be a partner, associate, an officer, a director, or stockholder of a company or corporation which is a member of the industry.

A section to be known as Section 13 of Article V shall read as follows:

Section 13. All employers in the industry must maintain a time clock or a time book and keep accurate record of the time worked by all employees subject to the Code, including pieceworkers. All such records shall be preserved intact for a period of one year from the date records were taken.

Amend Article VI, Section 7 (i) to read as follows, instead of as amended April 26, 1934:

It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established herein and to effectuate the policies of the Act, the Code Authority is authorized:

1. To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided, and which shall be held in trust for the purposes of the Code;

2. To submit to the Administration for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purpose, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

3. After such budget and basis of contribution have been approved by the Administration, to determine and obtain equitable contribution as above set forth, by all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administration. Only members of the industry complying with the Code and contributing to the expenses of its administration, as hereinabove provided, (unless duly exempted from making such contribution) shall be permitted to participate in the selection of the members of the Code Authority or to

receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the Administration; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates, except those which the Administration shall have so approved.

Nothing in the provisions of this Article shall be deemed to require contributions by contractors where contributions are apportioned among members of the industry on a volume of sales basis. However, in transaction commonly known as 'cut, make and trim,' where the contractor is to be considered in the light of a manufacturer, the person for whom such garments are made shall not be assessed under this provision.

Amend Article VIII, Section 1, to read as follows:

The maximum terms of discounts on sales made by members of the industry after October 15, 1934 shall be as follows:

(a) On merchandise made for men and boys 6%, 10 days E.O.M.; or 5%, 70 days; or 4%, 130 days; customers other than retailers may also receive 3%, 190 days.

(b) On merchandise made for women, girls and infants, 8%, 10 days, E.O.M.; or 7%, 70 days; or 6%, 130 days; customers other than retailers may also receive 5%, 190 days.

(c) Anticipation may be permitted at the rate of six per cent (6%) per annum.

(d) Any shipments made on or after the twenty-fifth (25th) day of the month may be considered as if made on the first (1st) day of the following month. There shall be no other post-dating except that as to any merchandise sold for fall consumption and shipped by a member during the months of July or August, dating as of the following September 1, but no later, may be granted.

Approved Code No. 211—Amendment No. 2.

Registry No. 204-1-02.



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